

LAW AND ORDER

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No sentence of death can be passed on a pregnant woman or a person under the age of sixteen years. 681

A youthful offender may be dealt with :

- (1) by placing him on probation, or
- (2) by discharging him after due admonition, or
- (3) by delivering him to his parent, guardian, or relative, who has executed a bond for his good behaviour, or
- (4) by fine, or
- (5) by whipping, or
- (6) by ordering his detention.

There are three Magistrates including the Chief Magistrate who individually exercise the powers of a Magistrate of the first class as provided by the Criminal Courts Ordinance 1937, and regular sittings are held at Crater, Tawahi and Sheikh Othman. 693 695 427

An appeal lies from the Magistrate's Court to the Supreme Court in all criminal cases in which a sentence of imprisonment exceeding one month or fine exceeding Rs. 50 has been passed and the Supreme Court has also powers of revision. 698 692

During the year Rent Tribunals were set up for the assessment of the standard rent of lettings. The Tribunals are not staffed by the Judicial Department but the Supreme Court can entertain an appeal from the decision of a Tribunal.

The Courts performed their usual functions throughout the year. On the criminal side there has been an increase of cases in the Magistrates' Courts.

In addition to His Honour the Judge of the Supreme Court the Judicial Staff consisted of Mr. Nunn, Chief Magistrate and Messrs. Mansoor and Kazi, Magistrates of the first class. During the year Mr. Nunn was on leave from 2nd June, 1948, to 4th October, 1948, during which period Mr. Mansoor acted as Chief Magistrate and Judge of the Small Causes Court and Mr. Kazi continued to act as Additional Judge of the Small Causes Court.

Although there were seven professional pleaders in the Colony, in the great majority of civil cases even in the Supreme Court one or both parties appeared in person without a pleader. This fact and the Indian procedure as followed in the Colony whereby every step in pleadings involves an appearance before the Judge causes a great deal of delay which could be obviated by procedural reform. On the criminal side in the Magistrates' Courts similar delay is caused by the fact that a preliminary enquiry has to be made in every case punishable with imprisonment for a term exceeding six months before the accused can be charged and required to plead. This requirement exists irrespective of the facts of any particular case and even though the case is one that may be tried summarily without recording the evidence.

There is a considerable amount of civil litigation in the Colony. During 1948, 459 civil suits were filed in the Supreme Court and 326 civil suits were finally decided. Six applications for civil revision were filed and all were decided. Twenty-eight civil appeals were lodged in 691

LEGISLATION

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Colony, and in particular to prohibit entry without a permit. Previously there was virtually no power to control immigration into the Colony.

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The Official Secrets Ordinance, which replaces the Indian Official Secrets Act of 1923, and is based on the provisions of the United Kingdom Official Secrets Acts of 1911 and 1920.

The Registration of Clubs Ordinance, which provides for the compulsory registration of "clubs," as widely defined in the Ordinance. It empowers the Registrar, subject to confirmation by the Governor in Council, to refuse registration in any particular instance, and enables the Governor in Council to cancel the registration of a club.

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The Civil Courts (Amendment) Ordinance, which provides for the setting-up of a District Court with power to hear proceedings of a civil nature (with certain exceptions) of a value below Rs. 2,000. For staff reasons, the Court has not yet been formed.

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In 1950 23 Ordinances were enacted of which the following were the more important:

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The Police (Amendment) Ordinance, which enables the Commissioner of Police, with the approval of the Governor in Council, to appoint special police officers. Previously such officers could only be appointed by a magistrate when a disturbance had actually arisen or was apprehended. This gave little time for organisation or training; special police may now be organised at any time for use should an emergency arise. The Ordinance also prohibits the wearing of uniforms in connection with political organisations or objects, and further prohibits the formation of quasi-military organisations.

The Registration of Persons Ordinance, which provides for the registration of all persons lawfully resident in the Colony at the time registration comes into force, and the issue to them of identity cards. The Ordinance is intended to supplement the new immigration control, under which all persons entering the Colony will be required to have a permit or pass. Registration has not yet been brought into force.

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The Consular Conventions Ordinance, which confers certain powers and privileges upon the Consular Officers of foreign states with which Consular Conventions have been concluded by His Majesty's Government.

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The Pensions Ordinance, which repeals and replaces the Pensions Ordinance, Cap. 102, and the Pensions (Subordinate Officers) Ordinance, Cap. 103, and is therefore applicable to all pensionable officers of whatever grade. It also incorporates provisions to implement the revised conditions of service in so far as the latter relates to pensions or to gratuities.

The Workmen's Compensation (Amendment) Ordinance, which increases the compensation payable in cases of permanent incapacity from 42 to 48 months' earnings. It also places an obligation on an employer to give notice to the Labour and Welfare Officer of any injury which a workman may suffer in the course of his employment.

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